

REMARKS

Claims 1-10 are of record.

The Specification is objected to as having new matter introduced in the form of the shield element 14. Claim 9 is rejected under § 112 as not being supported in the Specification. Applicant respectfully contests the objection and rejection.

Reference is made to [0016] of patent publication 2005/0167536 of the subject application that states:

The main frame is provided with guarding to the cutting edges of the cutting knives.

The term “guarding” is the shield.

Also, Fig. 6 shows a space P between the stationary frame 1 and the feed-compacting frame 5 when the frame 5 is moved away from the stationary frame 1. [00040] of publication ‘536 clearly discloses that access is prevented to the sharp edges of knives 13 of the cutting head 2 “from the access space P” by shield elements. That is, when the feed-compacting frame 5 is moved away from the stationary body 1 to leave the space P a shield is used to give protection from the knives.

Accordingly, there is support for the shield and the rejection and objection are not proper and should be withdrawn.

Claims 1-9 are rejected as being unpatentable over WO’803 (corresponding to Ray, U.S. 5,012,824. Main claim 1 of this group has been amended to make the recitation of the structure clearer. Claim 1 has been amended to add the feature of the guides. “extending from main frame”. This is derivable from Figs. 3-6 in the context of pages 6 and 7 of the Specification. Also, claim 1 has been amended to add the feature of claim 7 that the guides 7 are above the feed frame 5 and above the opening to the cutterhead in the stationary main frame. Claim 7 has been cancelled. Therefore, the feeder frame easily can be moved on the guides toward and away from the stationary frame to leave the space P between the stationary frame 1 and the feeder frame 5 to permit servicing of either one or both. Also, there is access to the cutting zone. The advantageous results of the invention are set forth in the description of ‘536 in [0017].

WO'803 neither teaches nor suggests the novel structure of the invention as set forth in claim 1 that has definite advantageous features.

Defects of the known construction such as in WO'803 were defined in the Specification in Paragraph [0008] in that there is limited access to service elements of prior art machines. As set forth in [0008]:

There is only a limited access to the cutterhead and parts thereof in known cutting machines, making impossible both convenience and safety during maintenance of the device. For users it is a disadvantageous solution because of difficult and dangerous access to the zone of replacement of the cutting knives and to cutting zone, where a person maintaining the machine contacts directly sharp and uncovered cutting knives of the cutterhead, the access to the serviced parts being difficult and one-sided.

WO'803 is such a machine that has these disadvantages.

In applying WO'803 to claim 1, the Examiner considers (Office Action, Paragraph 7, line 5) that in this reference there is a feeding-compacting arrangement that moves along the horizontal guides 23. This is not correct. In WO'803, it is the cutter carriage 20 that moves relative to the feed support frame 10. That is, the Examiner has reversed the element of WO'803 to make them correspond to the claimed invention.

Also, claim 1 clearly sets forth that the guides are above the feed frame and the opening to the cutting zone. In WO'803, the guide tracks 23 are mounted to the floor, or base, and the cutter carriage 20 is mounted on top of the guide tracks 23. This is a more complicated arrangement than the present invention in which the extending guides 7 are mounted to the stationary cutterhead frame 1 above the opening to the cutterhead and the feeder frame 5 and its components are supported by and movable on the guides. This makes it easy to move the feeder frame 5 away from the stationary main frame to obtain access to the cutting head (Fig. 5) since there are no guide tracks below the cutting zone where a service person would stand to service the machines.

Accordingly, claim 1 defines a novel and advantageous structure that is neither taught nor suggested by WO'803. Therefore, claim 1 and the dependent claims are clearly patentable and should be allowed. Claim 9 recites the shield for the cutting zone. WO'803 has nothing similar to this.

Applicant respectfully notes that even though a structure is simple it does not mean that it is obvious. In fact, simplicity can be an indicia of patentability. In the state of the art there is no known structure that has the advantageous features such as in the present invention that are produced by a structure that appears to be simple. The invention is characterized by an inventive step and it would not have been obvious for the skilled person.

New claim 11 is added to describe the guides as horizontal rods. This is clear from the drawings of the invention. The rods along which the feed carriage 5 slide is a much simpler arrangement than the complicated mechanism in the lower part of Fig. 1 of WO'803. Therefore, claim 11 also should be allowed.

Prompt and favorable action is requested.

Dated: November 3, 2008

Respectfully submitted,

By 

S. Peter Ludwig

Registration No.: 25,351
DARBY & DARBY P.C.

P.O. Box 770
Church Street Station
New York, New York 10008-0770
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant